IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.673 OF 2007

Shri Sagir Husain Sayyad .. Petitioner
v/s.
Smt. Chandbebi Khudbuddin Awati and others .. Respondents

Mr. Rupesh Bobade i/by Mr. Umesh Mankapure for the petitioner.
Mr. D.P. Adsule, APP for the respondent-State.

CORAM : B.H. MARLAPALLE, J.
DATED : 6TH AUGUST, 2007

P.C.

Heard Mr. Rupesh Bobade, learned counsel for the petitioner-husband.

2. The respondent-wife had filed maintenance application No.158 of 2000 under section 3 of Muslim Woman (Protection of Rights on Divorce) Act, 1986 and claimed maintenance for her son and fair and reasonable provision for herself. This application was partly allowed by the learned Judicial Magistrate, First Class, Miraj. The prayer of the wife was turned down and the petitioner-husband has been directed to pay the amount of Rs.600/- per month for the maintenance of applicant No.2 i.e. The son who was at the relevant time studying in 3rd standard. He was of 12 years then and now perhaps he is of 19 years of age.

3. The said application was challenged in Criminal Revision Application

No.90 of 2005 and it came to be dismissed on 6.12.2005. Hence this petition.

4. Both the courts below have concurrently held that the wife was self-employed and therefore, she did not require any support from the petitioner-husband. However, the husband was required to pay maintenance for the upgrowing son including the wife of the petitioner. This view was concurrently taken by both the courts below which cannot be patently illegal so as to call for interference by this court under Article 227 of the Constitution of India. Hence the petition is rejected.

(B.H. MARLAPALLE, J.)